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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,066	07/10/2003	Michael Wayne Brown	AUS920010821US2	3794
34533	7590	07/07/2006	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			PATEL, HEMANT SHANTILAL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/617,066	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Hemant Patel	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites "means for receiving an authenticated callee identity for a callee answering a call at said intermediary device from an origin device originating said call". It is not clear if it is meant to be "callee answering a call at said intermediary device" or it is meant to be "receiving an authenticated callee identity at said intermediary device".

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites "means, recorded on said recording medium, for enabling receipt of an authenticated callee identity for a callee answering a call at said intermediary device from an origin device originating said call". It is not clear if it is meant to be "callee answering a call at said intermediary device" or it is meant to be "receiving an authenticated callee identity at said intermediary device".

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2614

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (US Patent No. 6,678,359 B1), and further in view of Farris (US Patent No. 6,122,357).

**Regarding claim 1**, Gallick teaches of a method for specifying telephone services for a particular callee, comprising:

receiving, at an intermediary device (Fig. 1, item 160, system gatekeeper processing the call), an authenticated callee identity for a callee answering a call (Fig. 5, item 540, caller authorizing Sidney...Sales; col. 4, ll. 57-58), wherein said identity is authenticated by an origin device originating said call (Fig. 5, item 500, this authorization is made at a calling party device i.e. origin device originating a call).

Gallick does not teach of retrieving callee profile based on callee identity and specifying services to be offered for the call based on the retrieved callee profile.

However, in the same field of endeavor, Farris teaches of determining identity of a person using answering party's speech information (col. 42, ll. 62-col. 43, ll. 12) and using this identity to retrieve its profile information (col. 43, ll. 25-30) to provide subscriber services (col. 43, ll. 31-46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gallick to use callee identity to retrieve callee's profile to provide specific subscriber services as taught by Farris in order to provide callee specific selective screening, recording and call handling to apprehend law breaker (col. 43, ll. 31-col. 44, ll. 27).

**Regarding claim 2**, Gallick teaches of authenticating callee using callee's utterance (col. 6, ll. 51-53).

**Regarding claims 3 and 4**, Farris teaches of retrieving a callee profile from a database by an administrative module (col. 43, ll. 26-29, system management server) that is intermediary device between caller and callee terminals.

**Regarding claim 5**, it recites a system performing functions substantially similar to method as claimed in claim 1. Gallick teaches of such a system (Fig. 1) and Farris teaches of such a system (Fig. 1). Refer to rejection for claim 1.

**Regarding claim 6**, refer to rejection for claim 2 and claim 5.

**Regarding claims 7 and 8**, refer to rejection for claim 3, claim 4 and claim 5.

**Regarding claim 9**, it recites a computer program product with recording performing functions substantially similar to method as claimed in claim 1. Gallick teaches of a system using such computer program product as is well known in the art

Art Unit: 2614

(Fig. 1, items 130, 140, 141, 142, 160, 161) and Farris teaches of a system using such computer program product as is well known in the art (Fig. 1, items 11, 15, 19, 21, 23, 27). Refer to rejection for claim 1.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,940,476 Morganstein

US Patent No. 6,101,242 McAllister

US Patent No. 6,178,230 B1 Borland

US Patent No. 6,167,119 Bartholomew

US Patent No. 5,875,240 Silverman

US Patent No. 5,696,880 Gustafson

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel  
Examiner  
Art Unit 2614

HSP  


  
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SUPERVISORY PATENT EXAMINER  
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